UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/307
17 March 1994

ORIGINAL: ENGLISH

LETTER DATED 15 MARCH 1994 FROM THE PERMANENT REPRESENTATIVE OF GERMANY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to refer to Security Council resolution 883 (1993) of 11 November 1993 and to communicate that the national measures called for in the resolution have been implemented in Germany through the adoption of the thirty-first amendment to the Foreign Trade and Payments Order on 14 December 1993. In so far as European Union Regulation No. 3274/93 of the European Union's Council of 29 November 1993 (Journal of the European Communities No. 295, p. 1) has already given effect to the measures set out in the resolution, this amendment has only declarative significance since the European Union regulation establishes accepted law. The thirty-first amendment serves to enforce penal liability in the case of sanctions violations - also within the field of application of the European Union regulation. Violations against the embargo restrictions will be penalized as a criminal offence pursuant to the regulation and in conjunction with paragraph 34.4 of the Foreign Trade and Payment Order.

In particular the following measures have been taken to implement the sanctions against the Libyan Arab Jamahiriya adopted by the Security Council in resolution 883 (1993):

(a) With regard to the restrictions on the transfer of goods and services with the Libyan Arab Jamahiriya, European Union Regulation No. 3274/93 of the Council of 29 November 1993 is in force to prevent supplying the Libyan Arab Jamahiriya with certain goods and services (Journal of the European Communities No. 295, p. 1). The provisions of this regulation were incorporated into the Foreign Trade and Payment Order in order to establish penal liability (para. 69 (m) of the Foreign Trade and Payment Order in the version of 14 December 1993, Federal Journal, p. 10937);

(b) The prohibition to settle any claims as set forth in paragraph 8 of resolution 883 (1993) is implemented in Germany through European Union Regulation No. 3275/93 of the Council of 29 November 1993, which prohibits the settlement of any claims in connection with any contract or other transaction affected by Security Council resolution 883 (1993) or other resolutions in connection with it (Journal of the European Communities No. 295, p. 4). To enforce penal liability this regulation was published on 13 December 1993 in the Federal Journal (p. 10938);

(c) The restrictions on capital and payment transactions with the Libyan Arab Jamahiriya set out in paragraphs 3 and 4 of Security Council resolution 883 (1993) are implemented in Germany through paragraph 69 (n) of the Foreign Trade and Payment Order in the version of the thirty-first amendment to the Foreign Trade and Payment Order of 14 December 1993 (Federal Journal, p. 10937);

(d) The restrictions on goods and services in the military and paramilitary sector which are already effective pursuant to Security Council resolution 748 (1992) continue to be in force and are now implemented through paragraph 69 (1) of the Foreign Trade and Payment Order in the version of the thirty-first amendment to the Foreign Trade and Payment Order of 14 December 1993 (Federal Journal, p. 10937).

The violation of any of the aforementioned provisions is punishable according to paragraph 34.4 of the Foreign Trade and Payment Order.

(Signed) Detlev GRAFF ZU RANTZAU
Permanent Representative